## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT GREENEVILLE

TIMOTHY HOPSON, SR.,	
	) Case No. 2:23-cv-36
Plaintiff,	)
	) Judge Travis R. McDonough
v.	)
	) Magistrate Judge Cynthia R. Wyrick
GPM INVESTMENTS, LLC,	)
Defendant.	
•	)

## MEMORANDUM AND ORDER

Before the Court is Magistrate Judge Cynthia R. Wyrick's report and recommendation (Doc. 6), which recommends that the Court dismiss Plaintiff Timothy Hopson, Sr.'s amended complaint without prejudice.

Plaintiff filed the original complaint (Doc. 2) in this action on April 10, 2023, and contemporaneously filed a motion for leave to proceed *in forma pauperis* (Doc. 1). Under the Prison Litigation Reform Act, district courts must screen pro se complaints—even when the plaintiff is not a prisoner but seeks *in forma pauperis* status—and *sua sponte* dismiss any claims that are frivolous or malicious, fail to state a claim on which relief may be granted, or name a defendant who is immune. *See* 28 U.S.C. § 1915(e)(2); *Baker v. Wayne Cnty. Fam. Indep. Agency*, 75 F. App'x 501, 502 (6th Cir. 2003) ("The statute requires courts to dismiss in forma pauperis complaints that fail to state a claim[] and applies to complaints filed by non-prisoners as well as prisoners." (citations omitted)). Therefore, Magistrate Judge Wyrick screened Plaintiff's complaint in addition to considering his motion to proceed *in forma pauperis*.

On screening, Magistrate Judge Wyrick found that Plaintiff had not alleged sufficient facts to invoke this Court's subject-matter jurisdiction. (Doc. 4, at 4.) Specifically, Plaintiff did not allege facts from which the Court could determine Defendant's citizenship for purposes of diversity jurisdiction. (Id.) Magistrate Judge Wyrick therefore ordered Plaintiff to file an amended complaint that set forth the additional facts necessary to invoke jurisdiction within thirty days and placed Plaintiff on notice that failure to do so would result in a recommendation

Plaintiff timely filed an amended complaint (Doc. 5). However, the amended complaint still did not adequately allege Defendant's citizenship. (Id. at 3, 5–6.) Accordingly, Magistrate Judge Wyrick screened the amended complaint and recommended that the Court dismiss this action without prejudice for lack of subject-matter jurisdiction. (Doc. 6, at 3.) Plaintiff filed no timely objection to Magistrate Judge Wyrick's report and recommendation.

After reviewing the record, the Court agrees with Magistrate Judge Wyrick's report and recommendation. The Court hereby ACCEPTS and ADOPTS Magistrate Judge Wyrick's report and recommendation (Doc. 6). This action SHALL be DISMISSED WITHOUT PREJUDICE.

AN APPROPRIATE JUDGMENT WILL ENTER.

that the Court dismiss this action without prejudice. (*Id.* at 5.)

/s/ Travis R. McDonough

TRAVIS R. MCDONOUGH UNITED STATES DISTRICT JUDGE